



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 16 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

The Honorable Gordon Petrie
Mayor of Emmett
City of Emmett
501 E. Main St.
Emmett, Idaho 83617

Re: April 22, 2015, NPDES Compliance Inspection
NPDES Permit Number ID-002031-1

Dear Mayor Petrie:

On December 31, 2001, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Emmett, Idaho ("City") wastewater treatment facility ("Facility"), NPDES Permit Number ID-002031-1 ("Permit"). The Permit was administratively extended in January 2007. The purpose of this letter is to notify the City of violations EPA discovered after reviewing administrative files including the Discharge Monitoring Reports (DMRs) submitted by the City, and in response to the April 22, 2015 inspection of the Facility conducted by EPA. The purpose of this inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

REVIEW OF ADMINISTRATIVE FILES

1. EPA reviewed the DMRs from January 2011 to January 2016 and identified effluent limitation exceedances that constitute 1887 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).
2. Part II.B of the permit specifies that monitoring data must be submitted using the DMR form (EPA No. 3320-1) or equivalent and must be postmarked by the 10th day of the month following the completed reporting period.

During EPA review of DMR data from January 2011 to January 2016, it was identified that the City was late in submitting a complete March 2012 DMR. The parameter, Coliform, fecal MF, MFC broth, 44.5 C was late. It was due by April 10, 2012 but was not received until June 18, 2012. This is a violation of Part II.B of the Permit.

3. Parts II.B and IV.E of the Permit specifies that the permittee must summarize monitoring results each month on the DMR and sign and certify that the DMRs are true, accurate and complete. The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement with copies to IDEQ.

During EPA review of DMR data from January 2011 to January 2016, it was identified that the City submitted an incomplete DMR of the months of August and September 2011. The missing parameter for both months was Coliform, fecal MF, MFC broth, 44.5 C. These are violations of Parts II.B and IV.E of the Permit.

4. On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure B).

APRIL 2015 INSPECTION

Part II.C of the Permit states that monitoring must be conducted according to test procedures approved under 40 CFR 136 or, in the case of sludge use or disposal, approved under 40 CFR 503, unless other test procedures have been specified in this permit. 40 CFR, Part 136, Table 2 identifies a preservation temperature of $\leq 6^{\circ}\text{C}$ for a majority of the parameters required to be monitored by the Permit.

At the time of the inspection, chain-of-custody records indicated a temperature of 6.5°C for samples received by the laboratory on August 13, 2014 and November 16, 2014. These are violations of Part II.C of the Permit.

AREA OF CONCERN

Part III.E of the Permit states that the permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

At the time of the inspection, the inspector noted the following factors that have the potential to impact the operation and maintenance of the facility.

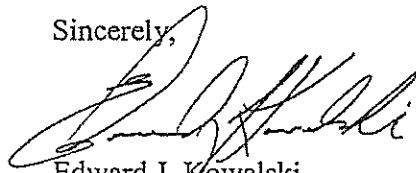
1. Due to inflow and infiltration in the collection system, the Facility experiences a threefold increase in flow during the irrigation season.
2. The sampling hose of the effluent sampler appeared to be discolored. The inspector suggested cleaning or replacing the hose to avoid contaminating samples.
3. The inspector noted that with on-going modifications and evaluation occurring at the Facility, it would be difficult to determine an appropriate design flow or finalize an Operations and Management Plan.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your

efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure C). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward J. Kowalski", written over a horizontal line.

Edward J. Kowalski
Director

Enclosures

cc: Mr. Stephen Berry
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Mr. Aaron Scheff
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